

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 4, 2012

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance were Superintendent Strittmatter and Executive Secretary Kowalski.

Mark Shublak, Connie Vickery, Debbie Rolfsen, Matt Brase, Mark Webb, Bart Herriman, Marc Carmichael, and Greg Genrich were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the November 20, 2012 meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Hearing Judge Kowalski recommended the Commission approve the parties' agreed dispositions that were submitted for the December 4, 2012 meeting.

Vice Chairman Johnson moved to approve the parties' agreed dispositions that were submitted. Commissioner Sturtz seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Guthrie seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Three hundred twenty-five (325) permits approved for renewal, thirty-four (34) new and/or transfer permits approved, seven (7) permits approved for catering, six (6) permits approved for first year escrow, two (2) permits approved for second year escrow, and two (2) permits approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Guthrie seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR49-06168 LAWRENCE E. BOLINGER, D/B/A LARRY'S DETOUR BAR – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve for one (1) year.

Commissioner Guthrie moved to uphold the local board and approve the renewal for one (1) year. Commissioner Sturtz seconded. The motion was unanimously approved.

DL72-29288 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board and deny the new permit. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL72-29287 DOLGENCORP, LLC – Commissioner Guthrie noted this is a new type 115 application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board and deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

RR76-90153 BBL, INC. – Commissioner Guthrie noted this is a type 210 transfer of ownership with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated the local board members cited no desire in the community for the services; however, because alcohol is already being sold at that location and this is just a transfer of ownership, the Commissioner felt that was not a valid reason for recommending denial of the transfer.

Commissioner Guthrie moved to overturn the local board's recommendation and approve the transfer of ownership. Vice Chairman Johnson seconded. The motion was unanimously approved.

DL71-06587 K & B BEVERAGES, INC. – Commissioner Guthrie noted this is a type 217 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board voting sheet lists a reason as to why the members recommended disapproval of the renewal; however, there does not seem to be any evidence present.

Commissioner Guthrie moved to table this matter to allow him time to listen to the recording of the local board meeting. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make two (2) permits inactive. Both permits are not subject to auction. Commissioner Sturtz seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business.

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Commissioner Guthrie stated the following permittees were convicted of a disqualifying crime after their employee permits were issued: Brenda Marie McNulty, permit #BR1731385; Aaron M. McNutt, permit #RE1722754; Robin Cano, permit #BR1606410; Jordan Fry, permit #BR1729496 and Kameron Byrd, permit #RE1722843.

Commissioner Guthrie stated after conducting an investigation of the permittees, Senior Officer Rich Swallow recommended the Commission revoke the permits.

Commissioner Guthrie moved to uphold the recommendation of Officer Swallow and revoke the employee permits. Commissioner Sturtz seconded. The motion was unanimously approved.

RR45-06588 CORSO VENTURES, INC. – Executive Secretary Kowalski stated Michael Perez entered into a contract to purchase the above-referenced permit in 2007, and has been operating the business under a Manager’s Questionnaire. In 2010, the owner of the permit, Louis Corso, died, so Mr. Perez began working with Mr. Corso’s brother regarding the sale. Unfortunately, Mr. Corso’s brother died a few months later. Mr. Perez has been in contact with the treasurer’s office to get the Form 1 Property Tax Clearance signed. The treasurer’s office informed Mr. Perez that there are outstanding taxes dating back to 2004 and 2007, and, therefore, will not sign the form. Mr. Perez requests the Commission allow him to operate the permit without the Form 1, during the time he is trying to resolve the tax issues with Mr. Corso’s family and the treasurer’s office.

Commissioner Guthrie moved to pick up the permit and place it into escrow during the time Mr. Perez is clearing up the tax issues. Vice Chairman Johnson seconded. The motion was unanimously approved.

Chairman Huskey instructed Superintendent Strittmatter to have Excise investigate how Mr. Perez has been getting deliveries of alcoholic beverages.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Guthrie seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2012.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER